

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TAKATA AIRBAG PRODUCTS
LIABILITY LITIGATION**

MDL No. 2599

TRANSFER ORDER

Before the Panel: Plaintiff in the Middle District of Florida action (*Dang*) listed on the attached Schedule A moves under Panel Rule 7.1 to vacate our order conditionally transferring her action to the Southern District of Florida for inclusion in MDL No. 2599. Responding defendants TK Holdings, Inc., Highland Industries, Inc., American Honda Motor Co., Inc., and Honda of America Mfg., Inc., oppose the motion.

In support of her motion, the *Dang* plaintiff argues that her case, which is a wrongful death action, involves some unique legal and factual issues, and that the MDL will involve years of class certification-related pretrial proceedings that will not benefit the prosecution of her case. These arguments are not convincing. As we repeatedly have held, Section 1407 does not require a complete identity of common factual or legal issues as a prerequisite to transfer. *E.g., In re: Darvocet, Darvon & Propoxyphene Prods. Liab. Litig.*, 939 F. Supp. 2d 1376, 1377 (J.P.M.L. 2013). Moreover, the transferee judge, the Honorable Federico A. Moreno, already has established a separate track for personal injury and wrongful death actions in the MDL, and issued a scheduling order under which those cases are to be trial-ready by early next year.¹

After considering the parties' arguments, we find that *Dang* involves common questions of fact with actions previously transferred to MDL No. 2599, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The centralized actions "share factual questions arising from allegations that certain Takata-manufactured airbags are defective in that they can violently explode and eject metal debris, resulting in injury or even death." *See In re: Takata Airbag Prods. Liab. Litig.*, — F. Supp. 3d —, 2015 WL 506406, at *1 (J.P.M.L. Feb. 5, 2015). A review of plaintiff's 171-page amended complaint leaves no question that her action involves those questions.²

¹ *See In re: Takata Airbag Prods. Liab. Litig.*, No. 1:15-md-02599, Order Appointing Plaintiffs' Counsel and Setting Schedule, at 1-2 (S.D. Fla. Mar. 17, 2015) (ECF No. 393).

² *E.g.*, Am. Compl. ¶ 39 ("[A]s designed, made and distributed, the Takata airbags, instead of protecting vehicle occupants from bodily injury during foreseeable accidents, violently rupture and explode sending potentially lethal metal fragments through the airbag cushion and into vehicle occupants . . .").

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IT IS THEREFORE ORDERED that the *Dang* action is transferred to the Southern District of Florida and, with the consent of that court, assigned to the Honorable Federico A. Moreno for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance".

Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: TAKATA AIRBAG PRODUCTS
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SCHEDULE A

Middle District of Florida

DANG v. HONDA MOTOR COMPANY, LTD, ET AL., C.A. No. 6:14-02071